

THE
PARLIAMENTARY DEBATES

OFFICIAL REPORTS

[Volume 10]

PROCEEDINGS AND DEBATES OF THE THIRD SESSION (1983) OF THE NATIONAL ASSEMBLY OF THE FOURTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA

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| 15th Sitting | 14:00 hrs | Monday, 1983-09-12 |
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MEMBERS OF THE NATIONAL ASSEMBLY (70)

Speaker (1)

*Cde. Sase Narain, O.R., J.P., M.P.,

Speaker of the National Assembly

Members of the Government – People's National Congress (58)

Prime Minister (1)

Cde. Dr. P.A. Reid, O.E., M.P.,

Prime Minister

Other Vice-Presidents (4)

Cde. S.S. Naraine, A.A., M.P., (Absent – on leave)

Vice-President, Social Infrastructure

Cde. H.D. Hoyte, S.C., M.P.,

Vice-President, Administration (Absent – on leave)

Cde. H. Green, M.P.,

Vice-President, Production (Absent)

Cde. B. Ramsaroop, M.P., (Absent – on leave)

Vice-President, Party and State Matters

Senior Ministers (6)

Cde. R. Chandisingh, M.P.,

Minister of Education and Social Development

Cde. R.H.O. Corbin, M.P.,

Minister of Mobilisation

*Cde. Dr M. Shahabuddeen, O.R., S.C., M.P., (Absent)

Attorney General and Minister of Justice

*Non-elected Member

*Cde. R.E. Jackson, M.P., (Absent – on leave)

Minister of Foreign Affairs

*Cde. J.R. Thomas, M.P., (Absent)

Minister of Home Affairs

*Cde. H. Rashid, M.P.,

Minister of Energy and Mines

Ministers (6)

Cde. U. E. Johnson, M.P.,

Minister in the Office of the Prime Minister

Cde. Sallahuddin, M.P.,

Minister in the Ministry of Agriculture

Cde. R.C. Fredericks, A.A., M.P.,

Minister for Youth and Sports,
in the Ministry of Education and Social Development

*Cde. Y.V. Harewood-Benn, M.P.,

Minister of Information and Public Service

*Cde. R.A. Van West-Charles, M.P.,

Minister of Health and Public Welfare

*Cde. K.W.E. Denny, M.P.,

Minister of Manpower and Co-operatives

Ministers of State (2)

Cde. M. Corrica, M.P., (Absent)

Minister of State for Internal Trade
and Consumer Protection

Cde. H.L.B. Singh, M.S., M.P.,

Minister of State in the Ministry of
Finance

Parliamentary Secretaries (4)

Cde. A.W. Bend-Kirton-Holder, M.P.,

Parliamentary Secretary, Housing,
Ministry of Health and Public Welfare

Cde. D.A.N. Ainsworth, M.P.,

Parliamentary Secretary, Ministry of
Education and Social Development

*Non-elected Member

Cde. B. Bhaggan, M.P.,
Parliamentary Secretary, Ministry of
Foreign Affairs

Cde. J.B. Caldeira, M.P.,
Parliamentary Secretary, Ministry
of Agriculture

Other Members (24)

Cde. M. Ally, M.P.

Cde. M. Armogan, M.S., J.P., M.P.

Cde. B. Beniprashad, M.P.

Cde. A.A. Chin, M.P.

Cde. J.P. Chowritmootoo, J.P., M.P.

Cde. O.E. Clarke, M.P. (Absent – on leave)

Cde. E. B. Davidson, M.P.

Cde. H. Doobay, M.P.

Cde. A.B. Felix, M.P.

Cde. E.H.A. Fowler, M.P.

Cde. P. Fredericks, M.P. (Absent)

Cde. E.F. Gilbert, M.P.

Cde. J. Gill-Mingo, M.P.

Cde. A. McRae, M.P.

Cde. E. Melville, M.P. (Absent)

Cde. J.M. Munroe, J.P., M.P.

Cde. S. Prashad, M.P.

Cde. R.N. Primo, M.P.

Cde. P.A. Rayman, M.P.

Cde. C.G. Sharma, J.P., M.P. (Absent)

Cde. S.H. Sukhu, M.S., M.P.

Cde. B. Tiwari, M.P.

Cde. C. Vandenburg, M.P. (Absent)

Cde. R.E. Williams, M.P. (Absent)

Members from the National Congress of Local Democratic Organs (2)

Cde. R. Bishop, M.S., M.P.

Cde. B. Latchminarayan, M.P.

Members from the Regional Democratic Councils (9)

Cde. K.N. Jones, M.P. (Region No. 1 – Barima/Waini)

Cde. K.V. Jairam, M.P. (Region No. 2 – Pomeroon/Supenaam) (Absent – on leave)

Cde. C.A. Singh, M.P. (Region No. 3 – Essequibo Islands/West Demerara)

Cde. W. Bipat, J.P., M.P. (Region No. 4 – Demerara/Mahaica)

Cde. H.I. London, M.S., M.P. (Region No. 5 – Mahaica/Berbice)

Cde. I. Chowritmootoo, M.P. (Region No. 6 – East Berbice/Corentyne)

Cde. N.R. Charles, M.P. (Region No. 7 – Cuyuni/Mazaruni)

Cde. D. Abraham, M.P. (Region No. 8 – Potaro/Siparuni)

Cde. D. Hinds, M.P. (Region No. 10 – Upper Demerara/Berbice)

Members of the Minority (12)

(i) People's Progressive Party (10)

Minority Leader (1)

Cde. Dr. C. Jagan, M.P., (Absent)
Minority Leader

Deputy Speaker (1)

Cde. Ram Karran, M.P., (Absent)
Deputy Speaker of the National Assembly

Other Members (7)

Cde. J. Jagan, M.P.
Cde. Reepu Daman Persaud, J.P., M.P.,
Minority Chief Whip
Cde. N. Persaud, M.P.
Cde. C.C. Collymore, M.P. (Absent)
Cde. S.F. Mohamed, M.P.
Cde. I. Basir, M.P.
Cde. C.C. Belgrave, M.P.

(ii) United Force (2)

Mr. M.F. Singh, C.C.H., J.P., M.P. (Absent – on leave)

Mr. M.A. Abraham, M.P.

OFFICERS

Clerk of the National Assembly - Cde. F.A. Narain, A.A.

Deputy Clerk of the National Assembly – Cde. M.B. Henry

PRAYERS

14:00 hrsANNOUNCEMENTS BY THE SPEAKERResignation of Cde. Dalchand

The Speaker: Comrades and hon. Member, I have received a letter dated 31st August, 1983 from Cde. Dalchand tendering his resignation as a Member of the National Assembly with effect from 1st August, 1983. With Cde. Dalchand's resignation a seat in the Assembly has now become vacant. In accordance with Section 99(a) of the Representation of the People Act Chapter 103, I have called upon the representative of the list of candidates from which Cde. Dalchand's name was extracted following the last general elections to further extract from the said list the name of a person to fill the vacancy.

Leave to Members

The Speaker: Leave has been granted to Cde. Naraine, Cde. Hoyte, Cde. Ramsaroop, Cde. Clarke and Mr. Feilden Singh for today's Sitting.

PRESENTATION OF PAPERS AND REPORTS

The following Report was laid:

Annual Report of the Commissioner of Inland Revenue for the year 1982. /The Minister of State in the Ministry of Finance on behalf of the Vice President, Administration/

PERSONAL EXPLANATIONS

The Speaker: Mr. Abraham.

Mr. Abraham: Mr. Speaker, at the last Sitting of Parliament I arrived late because the plane was late from the Rupununi. When I took my seat in Parliament I had no idea that Parliament had been discussing a Motion calling for the importation of wheaten flour etc. I had not even seen any Order Paper at that stage. But as usual, my name was the first to be called upon to vote and I unthinkingly voted no, since I was under the impression that it was obligatory for me to vote. I soon discovered, sir, that I had voted not only against my conscience but also against the declared policy of my party. In fact, Mr. Speaker, you will recall that earlier this year in this very Assembly, during the debate on the Presidential Speech, I strongly advocated the importation of wheaten flour and other essential items of food.

After voting last Wednesday, I tried to correct my mistake by retracting my

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vote but it was too late. I now, therefore, want it to be placed on record that both my Party and myself are against the Government's ban on wheaten flour, split peas, etc., and that there is no controversy between my Party and myself as has been wickedly suggested. Thank you, Mr. Speaker.

PUBLIC BUSINESS

BILLS - SECOND READING

CINEMATOGRAPH (AMENDMENT) BILL 1983

A Bill intituled:

"An Act to amend the Cinematograph Act."
The Minister of Information and Public Service.

The Minister of Information and Public Service (Cde. Harewood-Benn): Cde. Speaker, this Bill, the Cinematograph (Amendment) Bill 1983 is very simply one which seeks to ensure the correct identification of the people who will look after the organisation of the cinemas in their respective districts. It seeks to amend Section 11(2) of the Cinematograph Act 21:02 so as to make the Chairman of the Regional Democratic Council and the Regional Executive Officer or their representatives members of a Board constituted under that provision in the place of the former District Commissioner or Assistant District Commissioner.

This Bill also seeks to clarify that in the case of a Board for a rural district, the Member representing the Local Authority shall be an agent appointed by the Minister since the Local Authority under the Local Government Act 28:02 for the rural district is, in fact, the Minister.

In terms of the proper working of our regional system, this Bill is necessary. It is also necessary for the pleasure and comfort of the cinema-going public. A properly constituted and properly identified body of people will be there to ensure that the cinemas do what they are required to do. With those brief remarks I beg to move that the Cinematograph (Amendment) Bill, No. 18 of 1983 be read a Second time.

Question proposed, put and agreed to.

Bill read a Second time.

Assembly in Committee.

Bill considered and approved.

Assembly resumed.

Bill reported without Amendment, read the Third time and passed.

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MINING (AMENDMENT) BILL 1983

A Bill intituled:

"An Act to amend the Mining Act." [The Minister of Energy and Mines]

The Minister of Energy and Mines: (Cde. Rashid): Cde. Speaker, I beg to move that the Mining (Amendment) Bill 1983 be now read a Second time. For several years now the gold mining industry has been the subject of much comment and publicity. We have been lectured on by experts and laymen about the extent of the leakage of gold and its severe effect on our economy. Indeed, conservatively put, it has been estimated that Guyana loses anything over \$75 million (Guyana) each year from the illegal export of gold.

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(Cde. Rashid continues)

Clearly, Cde. Speaker, a figure of this magnitude our economy can withstand and it is the duty of the Government to take practical steps to remedy this hemorrhage.

In the recent past our approach has tended to rely mainly on exhortation and measures such as financial assistance to small miners and the granting of duty free concessions on mining equipment have all been tried in an attempt to encourage our miners to channel their winnings, their production into the official system. Unfortunately these measures have not worked and have even been found wanting in many respects.

A little over a year ago we set up the Guyana Gold Board, hoping that the miners will be encouraged to sell their production to this institution. Unfortunately this also has not worked and has failed to attract the desired results. On the available statistics we have at our disposal, the foreign exchange potential of the Gold Mining Industry continues to be elusive. The figure for 1980, 1981 and 1982 showed that the royalty from gold contributed only 489,000, \$869,000 and \$392,000 for those years respectively. These results were obtained on the reported production of 11,000 ounces for 1980, 19,000 for 1981 and 8,600 ounces for 1982. In the first half of 1982 declared production was 6,000 ounces. In the first six months of the operations of the Guyana Gold Board the figure fell to 2,700 ounces. It should therefore be clear that for a number of reasons miners are not reporting anything near their true production figure.

Today, after detailed studies of the Industry and extensive consultations with the Miners Organisation, the Gold and Diamond Miners Association, Government is in a better position to understand the difficulties and the needs of the Industry. Consequently we have been able to work out a comprehensive package aimed at shifting the Gold Mining Industry from the periphery to the centre of the economy, alongside the bauxite rice and sugar industry. This however, will take some time to achieve. The Gold Industry has to be encouraged if we are to achieve this objective. A planned socialist economy cannot wait on the passage of history and luck to throw up miners like Tengar and Sultan. Men who have sought fortune and fame in their unexploited and undeveloped areas of our hinterland.

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It is our conviction that the majority of our miners are patriotic and loyal citizens of Guyana who are interested not only in helping us to survive but more importantly to help us to accelerate our rate of economic and social development. We are also satisfied that the mining community shares with us the view that our national resources must be used for the benefit of the present and future generation. However, severe limitations and constraints exist. Numerous difficulties over the years have prevented the mining industry from making the tangible contribution and a significant impact on our economic development.

It is as a result of the recognition of these difficulties that the Ministry of Energy and Mines announced on Saturday August 27th a series of incentives that would increase from the sale of gold to the Gold Board and simultaneously reduce the cost of production to the miners. More remunerative prices, foreign exchange allocation for spares and equipment, access to working and investment capital, allocation of consumer items at controlled prices are just a few of the measures recently introduced by the Ministry of Energy and Mines to stimulate the Gold Mining Industry. Reports indicate that the announcements have been well received by the mining community and that miners are elated.

The Government, however, is fully aware that while these steps are necessary, they on their own do not constitute sufficient conditions for accelerating the development of the Gold Industry and pushing the rate of development of the country and therefore must therefore be supplemented by a regime of controls to monitor more effectively the gold production and to curb the activities of the deviants who operate within the industry and who are bent on depriving the nation and the people of Guyana of one of its most important resources. In pursuant of these objectives, clause three of the Miners Amendment Bill seeks to empower the Minister to make regulations requiring the registration and licensing of dredges and other equipment that are used in mining and processing of minerals. Failure to comply with these requirements will result in forfeiture of equipment and revocation of claims.

Clearly Cde. Speaker, if we are to successfully carry out our monitoring functions, the Guyana Geological and Mines Commission must have accurate information and records on the industry. Registration and licensing of equipment are therefore necessary prerequisites.

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Further, Cde. Speaker, it is well known that the deviants within the industry and outside of the industry have been using a variety of means to smuggle this valuable resource across our borders. Aircrafts, boats are just a few of the carriers that are normally used in this illegal trade. The bill therefore seeks Parliament's approval to carry out searches and to seize and confiscate carriers that are used in the commission of acts that contravene the Mining Act and regulations made under the act.

14:20 hrs

It is also proposed to increase substantially the fines the Courts can impose on those found guilty of breaching the Mining Act. Under section 79 of the Principal Act the maximum fine is \$300. This seen clearly, in the light of present day circumstances, is unrealistic if we are considering fines that would have a deterrent effect on would-be and potential violators of the Mining Act. The proposal in the Bill is to increase the fines to \$10,000. However, after further discussions and consideration, we have decided to make another amendment to this section and I hope that I will be granted permission at the appropriate time to introduce that amendment.

Finally, the Bill proposes to allow the Minister to accept on behalf of the state, compensation from persons suspected of infringing the mining laws in lieu of going to the Court. Also, that all fines and revenues earned from the sale of confiscated items shall be paid into the Consolidated Fund.

These, briefly, are the main proposals in the Mining (Amendment) Bill 1983 and I wish to urge my colleagues to give their assent.

Question proposed.

The Speaker: Mr. Abraham.

Mr. Abraham: Mr. Speaker, we are aware of the acute economic crisis at present existing in Guyana brought about by the present administration. This has led to a parallel economy and there is no doubt that because of the parallel economy gold and, indeed, many other items are being shipped out of Guyana. This, I suppose, has resulted in this Bill being presented to Parliament for approval today.

We cannot oppose the Bill in principle, but we certainly deprecate the circumstances which have caused this Bill to be brought to Parliament. We note that the Bill gives very wide powers to the Police and the Executive generally. For example, section 57E (2) provides that a search warrant must be obtained from a magistrate before a search could be effected, but section 57E (4) virtually nullifies this by providing for a search without the magistrate's special warrant under certain conditions and this really means that all the officer has to say is that the conditions existed and that therefore he did not need to obtain the magistrate's special search warrant.

So you see, sir, it all depends on how the legislation would be operated because there is great scope for abuse and arbitrary and vindictive action on the part of officials. In fact, Guyana has now become famous for ignoring the specific provisions of the law. The law is there, yes, but it is honoured more in the breach than in the

observance in respect of things like arrests, searches and detentions. We can only hope and pray that this legislation would be carried out strictly in accordance with the letter of the law and not as a political tool, a weapon for victimisation or otherwise.

The Speaker: Cde. Reepu Daman Persaud.

Cde. Reepu Daman Persaud: Cde. Speaker, several years ago I remember contributing to a debate and pointing to the historical development of our mining industry, giving the figures of the different periods. Since then I pointed out that our mining districts, which number six, have not been effectively monitored. In fact, up to the present time I do not think that there is a full complement of mining inspectors. It is still left to the miner to go and declare what he wishes to declare and it is being done in a most haphazard way because he could declare some and withhold the greater amount.

I found that there was a contradiction in the Minister's contribution when at one stage he spoke of the patriotism of the miners and at the other stage he spoke of the necessity --

The Speaker: "Some" of the miners.

Cde. Reepu Daman Persaud: Very well, sir. I think that is a good correction, but if there is patriotism generally, surely there will be no need for legislation of this kind.

May I state at this very stage that the People's Progressive Party is not opposed in principle to any legislation that will ensure that the richness of this country is protected and used to the advantage of the inhabitants of Guyana but then the point was being made by the previous speaker as to how the administrative machinery functions and how the law-enforcing department moves in matters of this kind. I want to make the point here and now that it is wrong to have legislation which will permit seizure for the mere absence of registration. It is equally wrong to seize because a licence was not in force at the time when a particular piece of machinery was being used. One must be able to look at the legislation comprehensively if we are going to say that there must be seizure and there must be legislation to seize. When an offence like smuggling is being carried out, no one would complain, but to extend the legislation to the point where/^{it is}for the mere non-compliance of taking out a licence or registering an equipment, in my view/^{this}is not prudent legislation and it is most injudicious.

When one looks through the legislation one finds in 57F -

"Where the regulations referred to . . ."

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I make this point that in contributing to this Bill one does not know to what extent the regulations would be framed and how generally they will effect an impartial pursuance of the Principal Act as we know it to be, because

"Where the regulations referred to in section 57A have been made, any dredge which is not registered, or for which a licence has not been taken out, in accordance with such regulations and found in a mining district or in any claim shall be forfeited and the forfeiture of a dredge shall be deemed to include any furniture thereof."

What has happened to the process of the law? What is the question with respect to prosecution if an offence is committed? I still hold to the view, and I am sure that you subscribe to these views too, sir, that the person who, it is alleged, has committed an offence must be presumed innocent until the contrary is proved.

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14:30 hrs

The burden of proof then, must remain with the State. I will argue that if the Government wants to have legislation to demand licences or revenue for dredges and machinery engaged in the mining industry, then nothing is wrong with those legislation, but if there is non-compliance then the non-compliance must be followed with prosecution and subsequent to prosecution, fined, and the necessary orders made for licences to be taken out. But to tell a man simply: your equipment is going to be forfeited or confiscated purely because you do not have a licence is an abuse of the legislative process.

The other Clause too, sir, where the regulation referred to in Section 57A has been made, say any machinery, equipment or plant, this is specified under 57A and under 57B any specialized machinery which is not registered or for which a licence has not been taken out in accordance with such regulations and found in a mining district or claim, shall be forfeited. This is the same kind of threat which we do not subscribe to. We subscribe to legislation to protect our interest, we subscribe to effective legislation that must lead to prosecution, must lead to conviction or acquittal. And when an individual is convicted, then the court must meet out punishment based on the particular offence committed and on the available legislation. It is never good for legislation of this kind to be placed in the administrative stream because they can be of great disadvantage to the people of this country. Surely, everyone who is arrested is not necessarily guilty of the offence for which that person may be prosecuted. Such a person must be given the absolute opportunity to be heard in his defence or when is found guilty then the necessary action and punishment be meted out against him. And so those clauses which seek to yield the kind of result to which I am opposing, may I say strongly, Cde. Speaker, the Government needs to examine them.

Then, Cde. Speaker, I look at a clause here which I think cannot find support from anybody. Clause 5 which amends section 82 A. Notwithstanding any other provision of this act, the Minister may in any case he deems proper and in substitution for any proceedings in any court accepts on behalf of the State a sum of money by way of compensation from any person reasonably suspected of a discrepancy. I have never heard of such a thing— reasonably suspected. It is not like even in the unlawful possession case which the Learned and late Justice Crane had written so extensively about. Because suspicion in that case must only lead to an arrest and possibly a prosecution. But it is still left

to the court to decide whether the suspicion by itself was founded on proper grounds. In this piece of legislation, and the particular section to which I refer, suspicion it does appear here to me, will constitute an offence. It is wrong for a man to be called to bar, called to answer on simply reasonable suspicion, because I suspect that you have been doing so and so. This is the construction I want to give to this clause. I suspect that you have been doing so and so, and I am giving you the option either of going to court or settling the matter with me. This particular section is going to be abused.

The Speaker: Please repeat what you said. The suspect can either pay the money over or he can go to court and allow the Minister to fine him. The man can choose to go to court.

Cde. Reepu Daman Persaud: But sir, you are not au fait as to how the prelude can be hazardous.

The Speaker: If I know I am not guilty I will go to court, but if I know I am guilty I would prefer to let the Minister take the money and set me free.

Cde. Reepu Daman Persaud: You put that so beautifully. This is the point I want to make sir. In the Customs Act, there is a provision of this kind. There is a Controller of Customs and Excise who can exercise his discretion of finding, as you are aware, it is equally so in so far as the Chief Licencing Officer is concerned in the law. This is a different thing. The point I am making is that the Minister acts here not when an offence is committed with the greatest respect, but when there is suspicion of an offence. That is my objection. I favour the proposal that it is a good thing to give a man the right say look, you have committed this offence - as you quite rightly pointed out, sir, he may be guilty and therefore he may not want to go to court and I am prepared to pay whatever fine would be imposed or compensation by the proper authority. I do not object to that principle. What I object to in this particular section is that the man is going to be called to answer and be called ^{upon} to pay compensation from any person reasonably suspected. That is my objection. But if the Clause was framed differently, and I want to call it sir,

The Speaker: He can elect to go to court.

Cde. Reepu Daman Persaud: Oh yes, sir, I see that, but what I am saying is this section is highly and deeply objectionable. I would call upon later as it is, if the Government insist on retaining this clause as it is, for

the deletion of the clause entirely. But I would support, sir remaining firm on the point I made earlier on principle, we are not against the principle that we must have legislation, that we must have laws to act as a deterrent to people, to people who are likely or are persistently smuggling our richness from the country. Our position is abundantly, and must be made specifically clear on that matter. But then as legislators we must ensure that we do not legislate and allow provisions of the law to be framed with such ambiguity, to be framed in this case, Cde. Speaker, in violation of all the legal concepts and principle where that man is going to be presumed to be guilty of an offence merely on reasonable suspicion because reasonable suspicion itself is a difficult element to prove in a criminal offence.

It is true that he can say, I want to go to court, but you are dealing with a man, he is already there, he does not know whether he has committed a crime or not. You know what is reasonable suspicion. If you understand the law, you will know that if you walk with something bulky in your pocket, the police can say you are acting suspiciously and on the basis of that he can arrest you on mere suspicion. But he can only effect an arrest on that suspicion, but you have not committed an offence. You are dealing with an average citizen who is not au fait with the laws and, therefore, panicks though he has not done anything, and somebody tells him all right, I am prepared to release you but pay so much. The suspect will try quickly and speedily though he has not done anything, to get out of the hands of the law. Therefore, I must not speak in isolation of realities. We must not speak without our own experience in the world and with with people. It those are certain considerations that are pertinent to the passage of any legislation then I think it/^{becomes}the duty of those of us who are supposed to give our approval to these legislation, to point out some ambiguity.

14.40 hrs

(Cde. Reepu Daman Persaud continues)

This is not a bill which is being opposed to by us but this is a bill which is simply being examined by us. In examining the Bill one would expect that the Government would look at our examination and look at the points we raised reasonably and objectively and if they find merit in our suggestions, proposals or criticisms the Government will not be reduced in any way by simply saying that those proposals have merit and we are willing to go with them.

The other point I make with respect to this particular section is why a departure from general practice where in the case of customs the Commissioner performed this examination that the Minister wants to do here. In the case of the Licence Revenue Department, if there is such an office, or the Chief Licensing Officer why in this instance the politicians want to get into the administrative stream? That is another area for criticism. Though I will argue with all reasonableness that ultimately the politicians tell the civil servant he has to do that, he will be compelled to do it or next day he has no head, I want to concede that. Nevertheless, the legislation must be so framed, there are other things that can happen behind the scene, that at least we must not legalise things that do not equate with precedence, with practice and with our own traditions. Thus, this authority, as I said subject to the particular words I have criticised in the section, should be given to the Commissioner of Mines who has overall responsibility in the administrative arena of the mining districts and he ought to be vested with the power to carry out a section which I think if properly framed would be a welcome section. Of course there is the proviso which says that such compensation shall be accepted only if the person agrees. That proviso is there but then I do not think we should allow the legislation to with the earlier words that I have criticised.

Cde. Speaker, it is also a dangerous thing to allow people to act without search warrants. So when things have been happening in the country where civilians had been wearing uniforms of the disciplined forces and in those uniforms enter the homes of people demanding people's possession under the disguise that they have come or they are part and parcel of the law enforcing institutions the same kind of problems can emerge in the mining districts if people go without warrants. Of course you can argue that warrants can be forged, but at least there must be some authority. I am against, totally against, searches without warrants. I do not see any difficulty in obtaining warrants. A number of police officers are Justices of the Peace and of

course they can sign those warrants and really enhance those who are going to enter people's homes and also give greater security to the citizens whose homes are likely to be searched. So why at one stage we ask for a warrant and another stage we do not ask for a warrant so that anybody can go and say 'I am functioning in compliance with the Mining Act. You see even in the Customs Act if the police is to carry out certain functions the police can only do that under the authority of the Commissioner. You know and I know that even if the authority is not there when the police acts the missing links are going to be put in order at the time of trial. But I think when we are talking about a socialist course and emphasis is being placed on the people then we must do nothing in that process to strip the people of their security and of their rights. If not we would be talking one way and acting a different way.

I think if Government listens to us with deeper attention and spare a few seconds to reflect on what we say they will find that this country has an objective opposition and it will go a far way in helping this country because we are the voices of the people. Surely that is common in all democracy. That is common in all democracy that if the Government institutes or initiates anything which the people are not in favour of or which the people have reservations over there must be some voice to speak so that the people's voice can be heard and that is the function of an opposition. It is that objective function that we are trying to perform effectively and earnestly on this side of the House.

Cde. Speaker, when you look at certain other aspects of the Bill, that the seizure will be carried out first, that would mean the machinery or equipment will be taken first then a report made to the Magistrate. Probably the Minister will be inclined here to explain. A report is made subsequently to the Magistrate. The Magistrate at that point has a right to make an order either for the return of the equipment or machinery seized just without security or on proper security being lodged. Again I feel that the public will be at a disadvantage because when people's property are seized and taken into custody of the police, you know Mr. Speaker, what can happen with those things and before the day of the trial there might be nothing for the people to get back though the Court may be so disposed to make an order at that late stage. People have got all kinds of values to things that they own. I think in framing legislation these are all factors that cannot and must not be ignored. When the Mining Act, that is the Gold Board Act was presented, number 12 of 1983, I said then to the then Minister that this will not solve the problem. Legislation has never been and will never be the most effective means for achieving anything anywhere. One of the things I said in contributing to this Bill was it will fail. Though the Ministers did not use

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those words what he said is tantamount to failure of the Gold Board Bill.

What we need is to rekindle confidence in people in all areas. Patriotism in people and there are certain concomitants to cause or influence the emergence of these things that are vital for development and progress of the country.

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(Cde. Reepu Daman Persaud continues)

Simply to have laws to arrest, to confiscate, to forfeit, will not achieve, I assume, the desirability of having our gold here so that our foreign exchange position which is perilous could at least improve. But what we need is for the Government and possibly the Minister to look objectively at the mining areas, what exists there today, what has been existing there for over the years, what are the other loopholes and disincentives that are preventing people from handing over their gold to the institution which the Government itself has set up. The price will have to be looked at. There were suggestions I heard around from people, why doesn't the Government buy from the miners in foreign exchange. I heard that and I thought of telling you. I see no reason why I should not say it. That could be an added incentive. To me those are positive steps. Legislation simply for arresting and so on has its values, but those values are limited. Look at the price that is being paid to the miners at the moment. Talk to them to see if better prices can be offered.

Those are the suggestions I would like to make to the Bill and to indicate, sir, with your permission, that I would like to move two short amendments. I sincerely trust that the Minister will find favour with these amendments I will propose. One deals with removing the Minister and giving the Commissioner the authority to do what he wants to do with respect to compensation, settling the matter outside of the courts.

The Speaker: You do not think, Cde. Persaud, that you should at least let me have a look at the amendments? They are not for circulation?

Cde. Reepu Daman Persaud: My apologies, I was under the impression that you had seen it.

The Speaker: All right, Cde. Rashid.

Cde. Rashid: Cde. Speaker, I would like to make some brief comments on contributions made by both Mr. Abraham and Cde. Reepu Daman Persaud. But starting with the latter, I thought I had made it abundantly clear that the approach of the Ministry and the Government to the question of the nation benefiting fully from the gold resources was two-fold. That is, to look seriously at the constraints that discouraging the miners from selling the gold and their production to the

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Gold Board. In relation to this, I did indicate the measures that were announced on the 27th August which included a substantial increase in the price of gold to the miners. So I think we are dealing with that matter. We recognise that cost of production is extremely high and the world market price which we have been paying previously was not sufficient to cover production costs. As a result, we decided that there must be an increase in price and we have increased the price being offered by the Gold Board. Then there are a number of other proposals which will not only increase earnings of the miners but will also bring down the cost of production. I have dealt with these matters.

Both speakers were concerned with the possibility of abuse by the administration. I want to assure my colleague on the Minority benches that this is not our intention. Our objective is to ensure that the gold which is produced and which belongs to the masses are channelled into the official system for the benefit of our people. The losses at the moment which we are encountering far outweigh any possibilities of abuse. We recognise that this is a possibility but I want to assure my colleagues that we will try our utmost to ensure that any reported case is looked at impartially and settled favourably. I invite my colleagues to bring to my attention any case of alleged abuse.

On the question of registration and seizure, one has to recognise that the only way we are going to know about the industry is first of all to take an inventory of men, money, and machines. We cannot allow what has been going on in the past to continue where there is no record of the operators and equipment. If we want to get an idea of the gold production we ought to be getting, then there must be adequate records. We are giving the miners a grace period of two months to register and take out their licenses. They are given a registration period and they know what the law is. If at the end of the two-month period they fail to comply, then strict and firm action will have to be taken.

I think my Minority colleagues have made valuable contributions in indentifying a very important weakness in our approach and that is our inability to monitor effectively the operations of the industry.

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I concede that while the ideal position should be to have Mining Inspectors located in the hinterland, more often than not they spend most of their time sitting in Georgetown. This will be corrected and, in fact, we have started taking measures to ensure that they shift their offices from Brickdam into the fields. In addition to this, we intend to involve the regional system in this important monitoring system. We are hoping, too, that the regional system will identify officers who will be empowered with the powers presently exercised by the Mining Inspectors. Therefore, with this system I have no doubt we will be able to remove some of the defects in the present monitoring system.

Cde. Persaud is concerned that it is the Minister who will have the duty of accepting, on behalf of the State, compensation from possible offenders whom it is felt, beyond reasonable doubt, are guilty of certain offences. I am prepared to examine at this point to allow the Commissioner himself to have this authority.

15:00 hrs

(Cde. Rashid continues)

Cde. Speaker, I am glad to hear that generally speaking that the bill has the support of the Opposition and I hope that they will cooperate with us by demonstrating their seriousness when they said, words to the effect that they are a responsible Opposition and make criticisms with the hope that we will be able to remove the defects from the system. These are the comments I would like to make Cde. Speaker.

Question put and agreed to.

Bill read a Second Time.

Assembly in Committee.

Clauses 1 and 2 agreed to and ordered to stand part of the Bill.

Clause 3.

The Speaker: Cde. Persaud.

Cde. Reepu Daman Persaud: Cde. Speaker, I wish to move the following amendment which I have proposed. I think this one deals with a second and subsequent conviction:

Insertion of words ", on the second or any subsequent occasion," between the words "commission" and "of" in the third line of the proposed new section 57D(1).

Amendment –

"That the words "on the second or any subsequent occasion," be inserted between the words "commission" and "of" in the third line of the proposed new section 57D(a)."

put and negatived.

Clause 3, as printed, agreed to and ordered to stand part of the Bill.

Clause 4.

The Speaker: Cde. Rashid

Cde. Rashid: Cde. Speaker, I wish to propose the following amendment for Clause 4 (b) to be substituted as follows: By the substitution in Subsection 2, for the words three hundred dollars may be prescribed, of the words \$25,000 may be prescribed by the Minister.

Amendment –

"That in Subsection (2) for the words "three hundred dollars may be prescribed" the following be substituted therefor: "twenty-five thousand dollars may be prescribed by the Minister."

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Put and agreed to.

Clause 4, as amended, agreed to and ordered to start part of the Bill.

Clause 5.

The Speaker: Cde. Persaud.

Cde. Reepu Daman Persaud: This amendment is now not controversial Cde. Speaker, the Minister has conceded it and I wish to propose that the word Minister be removed and Commissioner be replaced.

Amendment

That the word "Commissioner" for the word "Minister" in the second line of the proposed new section 82A.

Question put and negatived.

Clause 5 as printed, agreed to and ordered to stand part of the Bill.

Clause 6, agreed to and ordered to stand part of the Bill.

Assembly resumed.

Bill reported with an Amendment to Clause 4; as amended, considered; read the Third time and passed.

ADJOURNMENT

Resolved, "That this National Assembly do now adjourn to a date to be fixed. [The Minister of Education, Social Development and Culture.]

Adjourned accordingly at 15:06 hrs.